

A: First, you are correct in thinking that discounts offered to the public or to all government employees are not considered to be gifts for purposes of the gift rule. You are also correct to question whether government employees may accept discounts that discriminate among government employees on the basis of type of official responsibility, rank, or pay. These types of discounts, because they are limited or targeted, would be gifts for purposes of the gift rule and could only be accepted if an exception applied. There are several rather specific exceptions that would allow government employees to accept discounts (e.g., reduced membership fees or similar benefits) offered to limited groups or classes of government employees (e.g., employee associations or agency credit unions) under certain circumstances. However, before applying any of these exceptions to your situation, you should seek an ethics official's advice.

Free Attendance

Q: I sometimes receive invitations of free attendance for professional events hosted by private sector companies and other sponsors that do business with my agency. If my supervisor approves, is it okay for me to accept the offer of free attendance?

A: You may be able to accept the offer of free attendance based on the exception for certain widely attended gatherings. An ethics official or other authorized individual must make a determination that your attendance is in the agency's interest because it will benefit agency programs and operations. The event must also be attended by a diverse group of people. Other factors to be considered are: the source of the invitation and whether that person has interests that may be substantially affected by the performance (or nonperformance) of your official duties; the number and identity of other participants expected to attend; and the market value of the gift of free attendance. Note that this exception does not permit you to accept travel and lodging expenses.

Accepting on Behalf of the Air Force

Q: I am speaking at a foreign conference. At a formal dinner the night before the conference, a gift will be presented. May I accept the gift on behalf of the Air Force?

A: You may accept this type of gift if the value of the gift is \$305 or less. Gifts with a value of over \$305 belong to the Air Force.

To Wounded Service Members

Q: Does the \$20/\$50 rule apply to service members injured in combat?

A: Military and civilian personnel who incurred a combat-related disability, an illness or injury in a combat operation or zone, while on active duty on or after September 11, 2001 may accept unsolicited gifts from non-federal entities (other than foreign governments). For gifts valued in excess of \$305 per occasion or in excess of \$1000 from the same source in a calendar year, an ethics official must also make a written determination. Family members of qualifying members may also accept those gifts.

Limitation on the Use of the Exceptions

Q: If there is an exception that allows me to accept a gift, is it always appropriate to use the exception?

A: Not always. You may never accept a gift for being influenced in the performance of an official act; you may never solicit or coerce the offering of a gift, and you may not accept gifts from the same or different sources so frequently that it appears you are using your public office for private gain.

Disposing of a Gift

Q: What do I do with a gift that I cannot accept?

A: You may pay the donor market value for the gift if you want to keep it. If not, you may return it. If the gift is perishable, such as food or flowers, it may be shared within your office, donated to charity or destroyed, as long as an ethics official or your supervisor grants approval.

Seeking Advice

Q: Is there anything else I should be aware of?

A: If you have any questions regarding gifts, always seek your ethics official's advice. Even if a gift falls under one of the exceptions to the gift rule, it is never inappropriate for you to decline a gift offered by a prohibited source or given to you because of your official position. This is especially true when a person or organization whose interests could be affected by your official actions offers the gift.

References:

DOD 5500.7-R, J.E.R 2-100, 5 C.F.R Part 2635

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If you need advice on a particular situation, please contact SAF/GCA to set up an appointment with one of the attorneys.

Phone: 703-693-0417

E-mail: SAFGCA.Ethics@pentagon.af.mil

Website: www.safgc.hq.af.mil/organizations/gea/index.asp

GIFTS FROM OUTSIDE SOURCES

“Integrity First”



GIFTS

FROM OUTSIDE SOURCES

This provides a brief overview of the gift rules by answering some of the most frequently asked questions concerning gifts from outside sources.

Keep in mind that it is never inappropriate, and frequently prudent, to decline gifts from outside sources.

A gift is almost anything of monetary value, such as cash, meals, paperweights, trips, concert tickets, or services.

A gift is not a cup of coffee, modest refreshments that are not part of a meal, and items of little intrinsic value such as greeting cards, plaques, and certificates intended solely for presentation, loans on terms generally available to the public, anything paid for by the government, anything paid for by the employee, or any gift accepted by the government under specific statutory authority. Additionally, meals, snacks, and other items received in connection with a conference or training registration fee are not considered gifts.

The Basic Rule

Q: What is the basic gift rule that applies to me as an Air Force Employee?

A: As an employee of the Air Force, you may not solicit or accept a gift that is given because of your official position or that is given to you by a prohibited source, unless the item is either not considered to be a gift or falls within one of the exceptions to the basic rule.

A prohibited source is a person or organization that seeks official action by your agency, does business or seeks to do business with your agency, has activities that are regulated by your agency, or has interests that may be affected by you when you are doing your job. This includes any organization the majority of whose members are described within one of these categories.

Exceptions To The Basic Rule

Q: What are the exceptions to the basic rule?

A: There are 22 total (the most common exceptions follow this list):

- The \$20/\$50 rule
- Gifts based on a personal relationship
- Social invitations from other than a prohibited source
- Gifts in connection with aircraft rollout and ship launch ceremonies

- Widely attended gatherings
- Speaking and other similar engagements
- Events sponsored by state or local governments or civic organizations
- Gifts from foreign governments
- Meals, refreshments and entertainment in foreign areas
- Awards and honorary degrees
- Scholarships and grants
- Food and travel provided in connection with post-Air Force employment discussions
- Outside business or employment activities of the employee
- Business or employment activities of the employee's spouse
- Free attendance at training events or meetings sponsored by nonprofit organizations
- Reduced fees for professional organizations
- Discounts to members of a group where membership is not related to government employment
- Discounts to members of an organization where membership is related to government employment
- Discounts to members of a group offered by a person who is not a prohibited source
- Gifts to wounded soldiers and civilians

The \$20/\$50 Exception

Q: Can I accept any gift as long as it is not worth more than \$20?

A: Almost. The exception allows you to accept gifts of \$20 or less on a single occasion, but remember, not more than \$50 per calendar year per source. (The source is the entire organization, so you may not accept gifts exceeding \$50 just because different employees in the same organization pay for them each time.) If several gifts are given to you at the same time you may decline distinct and separate items in order to keep items that total \$20 or less. You may never accept gifts of cash, and you may not pay the difference for gifts exceeding the \$20 limit. Finally, you may not accept gifts so frequently that you appear to be using your public office for private gain.

Q: Why a \$20 limit?

A: The \$20 limit was established in 1991 and was designed to be reasonable and simple. Reasonable, because it allows employees to accept gifts that most people would agree are inconsequential. Simple, because it's an easy standard to apply.

Q: Is there a more generous exception for holiday celebrations, say for a party hosted by a prohibited source?

There is no special exception for holiday celebrations. If the cost of attendance exceeds \$20, then you may not accept. Your ethics officials can advise you whether any of the other gift exceptions or exclusions apply.

Tickets

Q: What if my gift is in the form of skybox tickets to an event?

A: Gifts of tickets may be accepted if they were a result of a personal relationship not related to government employment or they qualify as a widely attended gathering (WAG), which requires your ethics counselor to make a determination.

Travel Expenses

Q: What if my gift is in the form of travel expenses?

A: Gifts of travel or travel reimbursement can be accepted with the approval of the employee's Commander. It's a good idea to seek legal advice if this becomes an issue. See *The Official Travel* pamphlet for more information.

From Family and Friends

Q: Let's say that one of my long-time close friends or a relative performs contract work for my agency and is therefore a prohibited source. Can I accept those gifts, or does the \$20/\$50 limit apply?

A: As long as the circumstances make it clear that the gift is motivated by a personal friendship or family relationship rather than your position with the government, you may accept any gift from your friend using the "family and friends" exception. Relevant factors to consider include the history of the relationship and whether the friend personally pays for the gift. You can always decline the gift, pay market value for it, or abide by the \$20/\$50 rule if you are uncertain of the motivation.

Market value is the retail price that you, the recipient of the gift, would have to pay to purchase it. If you cannot readily determine the retail value of a gift, you may estimate its value by reference to the retail cost of items of similar quality. If a ticket entitles you to buy food, refreshments, entertainment, or any other benefit, the market value is the face value printed on the ticket.

Discounts

Q: I doubt that discounts available to the public or offered to all government employees would be prohibited. But what about discounts that are offered only to certain groups of Air Force employees, like all of the computer specialists at my agency?